

Message

From: Wood, Robert [Wood.Robert@epa.gov]
Sent: 10/7/2019 3:59:29 PM
To: Levine, MaryEllen [levine.maryellen@epa.gov]; Zobrist, Marcus [Zobrist.Marcus@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
CC: Ramach, Sean [Ramach.Sean@epa.gov]
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Hi All,

Ex. 5 Deliberative Process (DP)

Robert Wood, Director
Engineering and Analysis Division
U.S. EPA Office of Water
202-566-1822

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Monday, October 07, 2019 10:18 AM
To: Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Ramach, Sean <Ramach.Sean@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Perhaps forward to your dep div director too as she just asked about this.

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Zobrist, Marcus <Zobrist.Marcus@epa.gov>
Sent: Monday, October 07, 2019 10:13 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Ramach, Sean <Ramach.Sean@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: Re: Cooling Water Intake Rule - ESA - CORRECTED

All,

Here is a link to the ESA implementation memo for 316(b): https://www.epa.gov/sites/production/files/2015-04/documents/cooling-water_esa-instructional-memo_12-11-2014.pdf

Not sure if this is enough to give a Dave a sense of the process outlined in the BiOp.

I'm boarding a flight in Chicago in 20 minutes so will be offline shortly. Rob, could you take the lead in responding? Sean is available to help.

Marcus

Sent from my iPhone

On Oct 7, 2019, at 8:47 AM, Wade, Alexis <Wade.Alexis@epa.gov> wrote:

Marcus and Sean (cc-ing Rob and Mary Ellen) - see the email string below for a question from Dave asking for 316b documents.

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

-----Original Message-----

From: Levine, MaryEllen <levine.maryellen@epa.gov>

Sent: Monday, October 07, 2019 9:16 AM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Wood, Robert <Wood.Robert@epa.gov>; Scozzafava, MichaelE <Scozzafava.MichaelE@epa.gov>

Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

Ex. 5 Attorney Client (AC)

- Mary Ellen

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

-----Original Message-----

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, October 07, 2019 8:48 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA - CORRECTED

I hit send of note below before I was done. Fixed the message below and added Alexis and Mary Ellen

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Neugeboren, Steven
Sent: Monday, October 7, 2019 8:47 AM
To: Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: RE: Cooling Water Intake Rule - ESA

I think the lead for this would either be OST (who conducted the consultation and promulgated the rule) or OWM (who is implementing the rule), but your staffs can reach out to Alexis for support, as she is very familiar with the record.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

-----Original Message-----

From: Ross, David P <ross.davidp@epa.gov>
Sent: Monday, October 7, 2019 8:39 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>

Subject: Re: Cooling Water Intake Rule - ESA

Adding Steve.

Sent from my iPad

On Oct 7, 2019, at 8:38 AM, Ross, David P <ross.davidp@epa.gov> wrote:

Confidential; Deliberative

I'm currently evaluating a 404(g) state assumption proposal from Florida and Arizona and how to address ESA issues in state-assumed permitting. The proposal mentions the ESA process for the cooling water intake rule as a potential model. Could someone pull together the ESA-based components of that rulemaking for me, such as targeted discussion in the preamble, RTC, Bi-Op, etc. I'm not sure if this is an OGC or OWM assignment, so please work together to figure out the most efficient way to get a packet together.

Thanks!

Dave

Sent from my iPad

<BiOp - EPA-HQ-OW-2008-0667-4150[1].pdf>